

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JPMORGAN CHASE BANK, N.A.,

23-cv-6834 (JPO)

Plaintiff,

v.

MARTIN PIOTR NOWAK and
CONTINENTALIS DIVITIAE
EXPRESS TRUST,

ORDER GRANTING
PRELIMINARY INJUNCTION

Defendants.

J. PAUL OETKEN, District Judge:

Before the Court is a motion for a preliminary injunction filed by Plaintiff JPMorgan Chase Bank, N.A. (“Chase”) against Martin Piotr Nowak and Continentalis Divitiae Express Trust (collectively “Defendants”), which was brought by order to show cause on August 3, 2023. The Court has reviewed the complaint, the declarations of Aquanda Brown and of Natsayi Mawere, both dated August 3, 2023, and the exhibits attached thereto, the memorandum of law dated August 3, 2023, the opposition papers of Defendants dated August 21, 2023, and Chase’s reply memorandum dated September 5, 2023. The Court heard oral argument in open court on September 6, 2023.

Upon consideration of the parties’ written and oral submissions and the evidence presented by the parties, the Court hereby finds as follows:

1. Defendants have sent fraudulent correspondence to Chase on multiple occasions claiming that Nowak has a near-four-billion-dollar arbitration award against Chase.
2. Defendants appear to concede that the purported “award” is fictitious and fraudulent.

3. Defendants took steps to seek enforcement of the fraudulent award in federal court in July 2023.

4. Chase is likely to succeed on the merits of its claim, at least with respect to Count I for declaratory judgment.¹ Defendants' arguments that Chase somehow accepted the validity of the award by estoppel or acquiescence, and that Defendants are entitled to the award by virtue of a federal statute, are meritless, substantially for the reasons set forth in Chase's reply (ECF No. 25 at 5-6).

5. Chase will suffer irreparable harm absent a preliminary injunction, given Defendants' efforts to enforce a multi-billion-dollar award that is fraudulent.

6. The Court further finds that the equities weigh in Chase's favor and that the public interest supports issuance of a preliminary injunction.

Accordingly, is it hereby

ORDERED that Defendants are enjoined during the pendency of this action from sending any correspondence to Chase concerning the purported award of \$3,490,687,291.34 against Chase in favor of Defendants (the "Purported Award"), including fraudulent, false, and misleading correspondence arising out of Defendants' repeated attempts to defraud Chase; and it is further

ORDERED that Defendants are enjoined during the pendency of this action from seeking confirmation or enforcement of the Purported Award arising out of Defendants' attempts to defraud Chase.

¹ This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(2), as there is complete diversity between the parties and the amount in controversy exceeds \$75,000. In addition, the Court has supplemental jurisdiction of the state law claims as Chase asserts a federal claim under the RICO statute, which supports jurisdiction pursuant to 28 U.S.C. § 1331.

Defendant Continentalis Divitiae Express Trust is advised that, as an artificial entity, it must be represented by counsel and cannot appear *pro se*. If it does not have counsel appear on its behalf, it may be subject to a default judgment.

Defendant Martin Piotr Nowak, if he chooses to appear *pro se*, shall direct all filings and correspondence with the Court to the following address:

Pro Se Intake Unit
U.S. District Court for the Southern District of New York
40 Foley Square, Room 105
New York, NY 10007

The Clerk of Court is directed to designate this case as "PRO SE" on ECF.

The Clerk is further directed to indicate the service address for Defendant Nowak on ECF as:

Martin Piotr Nowak
5 Union Square West
Suite 1370
New York, NY 10003

The Clerk of Court is further directed to mail a copy of this order to Martin Piotr Nowak at the above address.

SO ORDERED.

Dated: September 15, 2023
New York, New York



J. PAUL OETKEN
United States District Judge